

77-30-25 Person brought into state on extradition exempt from civil process -- Waiver of extradition proceedings -- Nonwaiver by this state.

- (1) A person brought into this state by or after waiver of extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned until he has been convicted in the criminal proceedings, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.
- (2)
 - (a) Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in Sections 77-30-7 and 77-30-8, and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state; provided, before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in Section 77-30-10.
 - (b) If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, or shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this state.
- (3) Nothing in this chapter shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for a crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, or shall any proceedings had under this chapter which result in or fail to result in extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

Amended by Chapter 306, 2007 General Session